

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

**RYAN KAISER, on behalf of himself and §
others similarly-situated §**

V. §

**REVIVAL HOME HEALTHCARE §
SERVICES, INC. and SYLVESTER C. §
UDEZE §**

**Civil Action No. 4:18CV341
Judge Mazzant/Magistrate Judge Craven**

ORDER

The above-referenced case was referred to the undersigned United States Magistrate Judge for pretrial purposes in accordance with 28 U.S.C. § 636. The following pending motion is before the Court:

Plaintiff's Motion to Compel Document Production from Defendants (Docket Entry # 19).

The Court, having reviewed the motion and the response, is of the opinion the motion should be **DENIED.**

In this Fair Labor Standards Act ("FLSA") case, Plaintiff seeks the recovery of overtime wages he claims Defendants failed to pay him and other similarly situated employees in violation of the FLSA. According to Plaintiff, Defendants' initial disclosures did not contain any relevant payroll information. Therefore, on September 28, 2018, Plaintiff's counsel served Plaintiff's Requests for Admission and First Request for Production on Defendants. The parties conferred on February 7, 2019, and Defendants served their response the same day, indicating "[a]ll responsive documents are attached, if any exist."

Plaintiff filed his motion to compel on March 5, 2019, asserting the only documents

Defendants produced are “plaintiff’s annual earnings report and forms indicating that plaintiff (and some other employees) picked up their paychecks.” Docket Entry # 19 at 2. Plaintiff requests the Court order Defendants to promptly produce all responsive documents, including time keeping and payroll records for Plaintiff.

In their April 25, 2019 response to Plaintiff’s motion, Defendants represent as follows:

Defendants have complied and have provided Plaintiff with all responsive documents they have located. Defendants have turned over all documents in their possession, custody or control. Defendants are not withholding any privilege[d] documents.

Docket Entry # 24 at 1. No further briefing has been filed.

Considering the briefing before the Court, and further considering Defendants’ representation they have produced all responsive, non-privileged documents in their possession, custody or control, the Court, in its discretion, finds the motion should be denied. Accordingly, it is

ORDERED that Plaintiff’s Motion to Compel Document Production from Defendants (Docket Entry # 19) is **DENIED**.

SIGNED this 18th day of June, 2019.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE